

**EXPLANATORY MEMORANDUM TO
THE STATEMENT OF CHANGES IN IMMIGRATION RULES
PRESENTED TO PARLIAMENT ON 1 NOVEMBER 2021 (HC 803)**

1. Introduction

- 1.1 This Explanatory Memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

- 2.1 This instrument amends the Immigration Rules that are used to regulate people's entry to, and stay in, the United Kingdom.
- 2.2 The changes being made allow pork butchers for specified pork processing activities to come to the UK on the Seasonal Worker immigration route for a limited time.
- 2.3 The changes also correct an error which inadvertently limited the grounds on which applicants can challenge a previous decision.

3. Matters of special interest to Parliament

Matters of special interest to the [Joint Committee on Statutory Instruments OR the Select Committee on Statutory Instruments OR the Sifting Committees].

- 3.1 None.

4. Extent and Territorial Application

- 4.1 The territorial extent of this Statement of Changes in Immigration Rules is all of the United Kingdom.
- 4.2 The territorial application of this Statement of Changes in Immigration Rules is all of the United Kingdom.

5. European Convention on Human Rights

- 5.1 As this Statement of Changes in Immigration Rules is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

6. Legislative Context

- 6.1 The Immigration Rules, as laid before Parliament by the Secretary of State, constitute a statement of practice to be followed in the administration of the Immigration Act 1971 for regulating the entry into, and stay of, persons in the United Kingdom.
- 6.2 This Statement of Changes in Immigration Rules will be incorporated into a consolidated version of the Immigration Rules. This can be found on the GOV.UK

website, where all the Statements of Changes in Immigration Rules issued since May 1994 are published.¹

- 6.3 These changes will be implemented at 1600 on 1 November 2021 as detailed in the implementation section of the accompanying Statement of Changes.
- 6.4 The Seasonal Worker changes require implementation swiftly in order to allow for temporary workers to enter the UK as early as possible to address gaps to manage the current surplus of pigs requiring slaughtering and processing.
- 6.5 The Appendix AR correction is required as soon as possible as the current text unnecessarily limits the grounds on which applicants can challenge a previous decision.

7. Policy background

What is being done and why?

- 7.1 The Seasonal Worker route is primarily used by edible horticulture workers (fruit and vegetable pickers) to come to the UK and work on farms. It has recently been amended to temporarily allow poultry workers and HGV drivers involved in food transportation to make use of the route. Specified pork butchers are now also being added to the route and can stay in the UK for a maximum period of 6 months. The Seasonal Worker route provides the best framework within the immigration system for facilitating the entry of overseas workers in these roles as quickly as possible, to address the extraordinary set of circumstances facing the pork butchery sector.
- 7.2 Applications for the purposes of working as a butcher for specified pork processing activities must be made before 31 December 2021, reflecting that this is a temporary, time-limited measure. Butchers are already included on the list of eligible workers through the Skilled Worker route's points-based system, so the sector have an existing route to acquire foreign workers. In the longer-term, businesses will need to make long-term investments in the UK domestic workforce instead of relying on overseas labour to build a high-wage, high-skill economy.

Minor technical correction following changes made in HC 617

- 7.3 The amendment to Appendix AR reinstates provisions deleted in error by a previous Statement of Changes in Immigration Rules (HC 617) laid on 10 September 2021, the deletions inadvertently limited the grounds of challenge against a previous decision and this correction ensures the availability of administrative review in respect of relevant decisions.
- 7.4 Instructions to caseworkers were not amended to reflect the error. Consequently, applications have been considered as if the error had not occurred and applicants have not been disadvantaged.

8. European Union Withdrawal and Future Relationship

- 8.1 This instrument does not relate to withdrawal from the European Union or trigger the statement requirements under the European Union (Withdrawal) Act.

¹ <https://www.gov.uk/guidance/immigration-rules>

9. Consolidation

- 9.1 The Government has committed to the consolidation of the Rules as part of its response to the Law Commission recommendations on simplifying the Immigration Rules.

10. Consultation outcome

- 10.1 The changes in this Statement have not been the subject of a formal public consultation, as this would be disproportionate given the nature of the changes.

11. Guidance

- 11.1 Guidance relating to these Rules changes will be updated and placed on the GOV.UK website.

12. Impact

- 12.1 There is no, or no significant, impact on business, charities or voluntary bodies.
- 12.2 There is no, or no significant, impact on the public sector.

13. Regulating small business

- 13.1 There is no, or no significant, impact on activities that are undertaken by small businesses.

14. Monitoring & review

- 14.1 The review clauses on page 4 of this Statement of Changes require the Secretary of State to review the operation and effect of all of the relevant Immigration Rules, including any Rules amended or added to by the changes in this Statement, and lay a report before Parliament within five years of 6 April 2017, and within every five years after that. Following each review, the Secretary of State will decide whether the relevant Immigration Rules should remain unchanged, be revoked or amended. A further Statement of Changes would be needed to revoke or amend the relevant Rules.

15. Contact

- 15.1 Specific written queries relating to this Statement of Changes should be directed to Robert Hayes-Walters at StateofChanges@homeoffice.gov.uk. Please note that this mailbox is only for Parliamentary use in relation to specific technical queries regarding the drafting of this Statement of Changes. It is not a contact point for general enquiries. Queries to this e-mail address from outside Parliament about other immigration issues, including how these changes affect applications, will not receive a response.
- 15.2 More general queries should be directed to the Home Office as per the 'Contact UKVI' section on the visas and immigration pages of GOV.UK website at <https://www.gov.uk/government/organisations/uk-visas-and-immigration>.

- 15.3 A copy of this Statement of Changes can be found on the visa and immigration pages of the GOV.UK website at <https://www.gov.uk/government/collections/immigration-rules-statement-of-changes>.
- 15.4 Della Mcvay at the Home Office can confirm that this Explanatory Memorandum meets the required standard.
- 15.5 Kevin Foster MP, Parliamentary Under Secretary of State (Minister for Future Borders and Immigration) at the Home Office, can confirm that this Explanatory Memorandum meets the required standard.